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FILED
BILLINGS DIV.
2005 NOV 15 PM 3 04
PATRICK E. DUFFY, CLERK
BY _____
DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

MATTHEW BELUE, individually, as Personal
Representative of the estate of DARA LEIGH
BELUE, and as next friend/guardian ad litem for
T.M.B. and R.L.B., his minor children,

Plaintiffs,

v.

FORD MOTOR COMPANY, a Delaware
corporation,

Defendant.

CAUSE NO. CV-05-147-BLG-RFC

COMPLAINT AND JURY DEMAND

I. PARTIES

1.1 Plaintiff Matthew Belue is the surviving spouse of Dara Leigh Belue. At all times relevant hereto, he has been a resident of Hardin, Montana.

1.2 Matthew Belue was named personal representative of the estate of Dara Leigh Belue by Letters of Administration issued by the Montana Twenty-Second Judicial District Court in and for the County of Big Horn, in Probate No. DP-05-18.

1.3 Matthew Belue and the decedent Dara Leigh Belue are the natural parents of their minor children, T.M.B. and R.L.B., who at all times relevant to this matter have been residents of

1 Hardin, Montana. Matthew Belue also brings this action in his capacity as next friend/guardian
2 ad litem of his minor children.

3 1.4 Defendant Ford Motor Company is a Delaware corporation with its principal
4 place of business in Michigan and doing business in the state of Montana. Defendant Ford
5 Motor Co. is generally in the business of designing, testing, manufacturing, and distributing
6 vehicles, including the subject vehicle.

7 **II. JURISDICTION**

8 2.1 Plaintiffs bring this action pursuant to 28 U.S.C. § 1332(a) on the basis of
9 diversity of citizenship and on the basis that the amount in controversy exceeds the jurisdictional
10 amount of \$75,000 as therein provided.

11 **III. FACTS**

12 3.1 On November 20, 2004, Dara Leigh Belue was driving her 2004 Ford F-250
13 Super Duty pickup westbound on Interstate 90 in Big Horn County, Montana.

14 3.2 The subject vehicle was a 2004 Ford F-250 Super Duty pickup, VIN
15 1FTNW21P64EC59239.

16 3.3 As the pickup hit a bridge deck, it spun out of control and slid off the paved
17 surface into the median.

18 3.4 The pickup rolled several times in the median, coming to rest on its roof. The
19 roof structure collapsed, causing injury to and ultimately the death of Dara Leigh Belue.

20 3.5 Dara Leigh Belue died at the scene. Cause of death was determined to be head
21 trauma and positional asphyxia.

22 **IV. LIABILITY**

23 4.1 Defendant Ford Motor Company is liable because the subject vehicle was
24 defective in the design of its roof and restraint systems, and because adequate warnings were not
25 provided with the product or after manufacture.

V. CAUSATION AND DAMAGES

5.1 As a proximate result of the tortious acts and omissions of the Defendant, the Plaintiffs have suffered injuries and losses as follows:

A. Emotional distress, the loss of love, affection, support, services, society and spousal consortium, including all of the decedent's contributions to their quality of life and all other survivorship damages and wrongful death benefits under Montana law, in an amount that will be established with particularity at the time of trial.

B. Matthew Belue, the surviving spouse of Dara Leigh Belue and T.M.B. and R.L.B., the surviving children of Matthew and Dara Leigh Belue, suffered substantial damages, as a result of the death of Dara Leigh Belue including loss of support, services, emotional support, love, care, guidance, training, companionship, instruction and protection.

C. The estate of the deceased, Dara Leigh Belue, incurred funeral and related expenses.

D. Compensable losses sustained by Plaintiffs and other damages as allowed by the laws of the State of Montana, in an amount to be proven at the time of trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment of liability in favor of the Plaintiffs and against the Defendant herein as follows:

A. For special damages in an amount to be proven at trial,

B. For general damages in an amount to be proven at trial,

C. For prejudgment interest on all special damages herein,

D. For taxable costs and disbursements, and

E. For such other and further relief as this Court deems just and equitable.

VI. JURY DEMAND

Plaintiffs hereby demand a trial by jury.

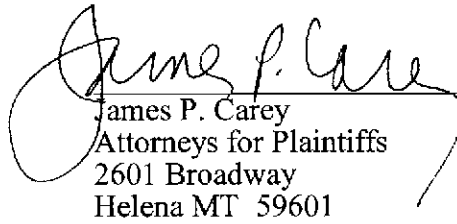
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1
2 DATED this 14 day of November, 2005.

3 LAMB & CAREY

4 
5 James P. Carey
6 Attorneys for Plaintiffs
7 2601 Broadway
8 Helena MT 59601

CIVIL COVER SHEET

JS 44 (Rev. 11/04)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

N-05-147-BLG-RFC

I. (a) PLAINTIFFS

Matthew Belue, individually and as Personal Representative of the estate of Dara Leigh Belue, and as next friend/guardian ad litem for T.M.B. and

(b) County of Residence of First Listed Plaintiff Big Horn

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Micheal F. Lamb and James P. Carey, Lamb & Carey, 2601 Broadway, Helena, MT 59601; 457-1100

DEFENDANTS

Ford Motor Company, a Delaware Corporation

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input checked="" type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. sec. 1332(a)

Brief description of cause:
wrongful death/survivorship arising out of vehicle rollover (product liability)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/14/05

SIGNATURE OF ATTORNEY OF RECORD

James P. Carey

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

COPY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

MATTHEW BELUE, individually, as Personal
Representative of the estate of DARA LEIGH
BELUE, and as next friend/guardian ad litem for
T.M.B. and R.L.B., his minor children,

Plaintiffs,

v.

FORD MOTOR COMPANY, a Delaware
corporation,

Defendant.

CAUSE NO. 05-147-BLG-RFC

SUMMONS

**THE UNITED STATES OF AMERICA SENDS GREETINGS TO THE ABOVE-NAMED
DEFENDANT FORD MOTOR COMPANY,**

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S
ATTORNEYS, Micheal F. Lamb and James P. Carey of LAMB & CAREY, 2601 Broadway,
Helena Montana 59601 an Answer to the Complaint which is served on you with this Summons,
within twenty (20) days after service of this Summons on you, exclusive of the day of service. If
you fail to do so, judgment by default will be taken against you for the relief demanded in the
Complaint. Any Answer that you serve on the parties to this action must be filed with the Clerk
of this Court within a reasonable period of time after service.

United States District Clerk

Patrick E. Duffy

J. Harris

Deputy Clerk

**COURT
SEAL**

(COURT SEAL)

NOV 15 2005

1 MICHEAL F. LAMB
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2 2601 BROADWAY
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3 (406) 457-1100
Attorneys for Plaintiff
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1 STATE OF MONTANA)
 2 County of _____) ss.

3
 4 I HEREBY CERTIFY that I have received the within Summons and copy of the
 5 Complaint in said action on the _____ day of _____, 2005, and personally
 6 served the same on the _____ day of _____, 2005 on _____

7 _____
 8 _____
 9 _____
 10 being Defendant named in said Summons, by delivering to and leaving with
 11 _____, said Defendant personally in the
 12 County of _____, State of Montana, a copy of said Summons and of Complaint.

13 DATED this _____ day of _____, 2005.

14
 15 _____
 16 Sheriff

17
 18 _____
 19 Deputy Sheriff

20 **SHERIFF'S FEES**

21 Service \$ _____
 22 Mileage \$ _____
 23 Copies \$ _____
 24 Total Sheriff's Fees. . . \$ _____
 25
 26
 27
 28

Tue Nov 15 15:12:29 2005

UNITED STATES DISTRICT COURT

MISSOULA, MT

Receipt No. 100 39931
Cashier poc

Check Number: 2399

OO Code Div No
4646 1

Sub Acct	Type	Tender	Amount
1:510000	N	2	190.00
2:006900	N	2	60.00

Total Amount \$ 250.00

NEW CIVIL CASE #CV-05-147-BLG-RFC, BELUE
V. FMC

CHECK FROM LAMB AND CAREY LAW FIRM

Tue Nov 15 15:12:29 2005

Check No. 2399

Amount\$ 250.00
Pay any Federal Reserve Bank or
General Depository for credit to
United States Treasury Symbol 4646